

GOVERNMENT NOTICE NO. 135

TRINIDAD AND TOBAGO

UNITED KINGDOM-TRINIDAD AND TOBAGO PUBLIC  
OFFICERS AGREEMENT

Her Majesty's Government in the United Kingdom and the Government of Trinidad and Tobago have agreed as follows :—

1. (1) References in this Agreement to an officer are references to a <sup>Interpreta-  
tion.</sup> person who before the appointed day was the substantive holder of a pensionable office in the public service of Trinidad and Tobago, being a person—

- (a) who was selected for or offered appointment to an office in such public service by a Secretary of State; or
- (b) whose appointment to any such office was approved by a Secretary of State; or
- (c) who had entered into an agreement with the Crown Agents for Oversea Governments and Administrations to serve in any such office; or
- (d) who (although he is not a person falling within paragraph (a), (b) or (c) of this Article) is or has been a member of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary or has been a member of a former Colonial Unified Service.

(2) In this Agreement—

“the appointed day” means the 2nd day of December, 1960.

“pension” means

- (a) any pension, gratuity, compensation, retiring benefit or other like benefit payable by the Government of Trinidad and Tobago to or in respect of any officer, including any increase of pension;
- (b) any pension, including any increase of pension, payable to the widow or child of an officer and any contributions repayable by that Government and interest thereon under any law providing for the payment of pension to the widows and children of officers;

“substantive holder” in relation to any office includes a person serving in that office on probation but does not include a person (other than a person serving under a probationary agreement) serving in that office for a specified term under a contract.

- 2. (1) (a) Subject to the provisions of Article 3 of this Agreement an officer who does not cease to be in the public service of Trinidad and Tobago before the appointed day shall be entitled to conditions of service not less favourable than those applicable to him immediately before that date. <sup>Conditions of  
Service.</sup>
- (b) In this Article the expression “conditions of service” means the laws, rules, regulations, orders and other instruments that regulate the terms of service of an officer, including (without prejudice to the generality of the foregoing) provisions regulating his tenure of office, transfer, promotion, disciplinary control, remuneration, leave and passages.

Retirement and  
pensions of  
officers etc.

3. The entitlement of an officer who does not cease to be in the public service of Trinidad and Tobago before the appointed day to retire and his eligibility and that of his widow, children, dependants and personal representatives to receive a pension shall be governed by the laws, regulations and administrative directions in force immediately before that day or by such other laws, regulations or administrative directions made thereafter that are not less favourable; and pensions shall be granted and paid to such officers and other persons accordingly.

Preservation  
of pensions.

4. (1) Pensions to officers who have been, or have ceased to be, in the public service of Trinidad and Tobago before the appointed day, or to their widows, children, dependants or personal representatives, shall be granted and paid or, if granted before that date, shall continue to be paid, in accordance with the laws, regulations and administrative directions governing those pensions on the relevant day or in accordance with such other laws, regulations or administrative directions made thereafter that are not less favourable.

(2) For the purposes of this Article, "the relevant day" means—

- (a) in relation to a pension granted before the appointed day, the day on which the pension was granted; and
- (b) in relation to a pension granted on or after the appointed day the day immediately before that day.

Payment  
of pension.

5. (1) Pensions paid outside the Federation after the appointed day shall be paid in sterling, and shall be calculated at the official rate of exchange prevailing on that date between the pound sterling and the currency in use in Trinidad and Tobago notwithstanding any variation in that rate:

Provided that if there is a general revision of salaries consequent upon a revaluation of the currency of Trinidad and Tobago as a result of which the pensionable emoluments of an officer may be increased the Government of Trinidad and Tobago may require that officer to agree that any pension that may be granted to him shall be calculated at the rate of exchange prevailing at the date of the revision of salaries before granting him the benefit of the increase of pensionable emoluments:

Provided further that in the event of a change in the monetary unit of currency in use in Trinidad and Tobago, such change shall not affect the calculations of any pension payable under this Article outside the Federation, so as to reduce the amount of the pension in terms of the pound sterling.

(2) Every pensioner who is being paid a pension on the appointed day shall exercise within six months of that date an option as to whether his pension and any pension that may become payable to his widow, children, dependants or personal representatives shall be paid in the Federation or outside the Federation.

Provided that where no option is exercised within six months after the appointed day an option shall be deemed to have been exercised for the payment of the pension either in the Federation or outside the Federation, as the case may be according to where it was being paid on that date.

(3) In every other case an officer eligible for a pension shall exercise before the award of his pension an option as to whether his pension and any pension that may become payable to his widow, children, dependants or personal representatives, shall be paid in the Federation or outside the Federation.

(4) Where, in consequence of the death of any person, a pension becomes payable after the appointed day to his widow, children or any dependant, or to his personal representatives, an option as to whether the pension shall be paid in the Federation or outside the Federation—

- (a) may be exercised within one year of the death of the pensioner; and
- (b) shall, if so exercised, be substituted for the option (if any) exercised by that person under paragraph (2) or paragraph (3) of this Article.

(5) Where an option is exercised in accordance with this Article for the payment of a pension in the Federation, the option may be revoked, and a fresh option may be exercised by the pensioner for the payment of the pension outside the Federation, if the pensioner ceases to reside in the Federation.

(6) Where an option is exercised in accordance with this Article for the payment of a pension outside the Federation the pension may be paid in any country outside the Federation according as the pensioner by notice in writing may from time to time request, or, if the pensioner becomes resident in the Federation and so requests by notice in writing, may be paid in the Federation.

(7) An option exercised or revoked in accordance with this Article—

- (a) shall be exercised or revoked by notice in writing; and
- (b) shall be deemed to have been exercised or revoked on the date on which the notice is received.

(8) For the purposes of this Article

- (a) "the Federation" means the territory of the Federation of The West Indies; and
- (b) "Pensioner" means the person entitled to the payment of a pension or, if that person is a minor his or her lawful guardian.

For the purposes of this Agreement, in so far as the law, regulations, administrative directions applicable to the grant of a pension depends on the option of the person to or in respect of whom it is granted or to be paid, the law, regulations, or administrative directions for which he opts shall be taken to be more favourable to him than any other law, regulation, or administrative direction for which he might have opted.

(1) Officers who are members of Her Majesty's Overseas Civil Service or Her Majesty's Overseas Judiciary shall continue to be eligible for promotion by Her Majesty's Government in the United Kingdom for or promotion to employment in the public service of some other

Officers in  
H.M.O.C.S.  
and H.M.O.J.

(2) The Government of Trinidad and Tobago shall comply with any reasonable request that may at any time be made by Her Majesty's Government in the United Kingdom for the release of an officer for transfer or promotion in pursuance of paragraph (1) of this Article and shall take any action that may be necessary to preserve his pension rights when he is so transferred or promoted.

8. This Agreement may be cited as the Public Officers' (Trinidad and Tobago) Agreement, 1960, and shall come into operation on the 2nd day of December, 1960.

Done in duplicate at London this 6th day of October, 1960 and this 14th day of November, 1960.

Signed on behalf of Her Majesty's Government in the United Kingdom.

IAIN MACLEOD

*6th October, 1960.*

Signed on behalf of the Government of Trinidad and Tobago.

ERIC WILLIAMS

*14th November, 1960.*